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10/696,097

10/28/2003

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EXAMINER

OBEID, FAHD A

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/696,097 | <b>Applicant(s)</b><br>KAHLON ET AL. |  |
|                              | <b>Examiner</b><br>FAHD A. OBEID     | <b>Art Unit</b><br>3627              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 33-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of the Application**

1. This is in reply to communication filed on 1/26/2011.
2. No claims have been added.
3. Claims 23-32 remain cancelled.
4. Claims 1, 2, 12, 13, 33, and 34 have been amended.
5. Claims 1-22 and 33-34 are currently pending and have been examined.

### **Double Patenting**

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-22 and 33-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/696/156. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

**Instant Claim**

1

**Claims in Application # 10/696,156**

1

8. Regarding Claim 1: claim 1 differs from claim 1 in the 10/696/156 application as follows:

- inventory balance information.

The 10/696,097 application lacks inventory location information.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include inventory location information in the 10/696,097 application for the advantage of managing inventory levels to fulfill customers orders efficiently and effectively.

**Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**12. Claims 1-4, 12-15, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman (US 5,708,828) in view of Balgeman (US 5,446,880), and further in view of Rauber (US 6,182,053).**

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13. Regarding Claims 1-4 and 33-34: Coleman discloses a computer-implemented method for managing inventory, the method comprising:

- synchronizing information between a source computerized inventory management system and a target computerized inventory management system, wherein the source computerized inventory management system and the target computerized inventory management system are among a plurality of computerized inventory management systems, the synchronizing is bi-directional, wherein the synchronizing is performed by an integration server and the synchronizing comprises (abstract, figs.2B, 3, col 1 lns 9-13):
  - extracting balance information in a source format, wherein the source format is a format used by the source computerized inventory management system, and the balance information in the source format is associated with the source computerized inventory management system (abstract, figs.2B, 3, col 1 lns 9-13),
  - converting the information in the source format into information in an intermediate format (abstract, figs.2B, 3, col 1 lns 9-13);
  - extracting balance information in a target format, wherein the target format is a format used by the target computerized inventory management system, and the balance information in the target format is associated with the target computerized inventory management system (abstract, figs.2B, 3, col 1 lns 9-13);
  - converting the balance information in the target format into target balance information in the intermediate format (abstract, figs.2B, 3, col 1 lns 9-13);

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- converting the inventory balance delta into information in a target format, wherein the target format is a format used by the target computerized inventory management system, the information in the target format comprises the balance delta, and the information in the target format is associated with the target computerized inventory management system (abstract, figs.2B, 3, col 1 lns 9-13);

Coleman does not explicitly teach generating an inventory balance delta, wherein the inventory balance delta is calculated as a difference between a source inventory balance and a target inventory balance.

However, Balgeman teaches the following:

- requesting existing target information from the target computerized inventory management system, wherein the requesting is performed by the integration server (C2 L17-24, C5 L49-67, C6 L1-19);
- updating existing balance information using the balance information in the target format, wherein the existing balance information is in the target format, the existing balance information is associated with the target computerized inventory management system, and the updating is based, at least in part, on the balance difference (C8 L54-60, claims 3, 6, 7, & 9).

Coleman and Balgeman fail to explicitly teach generating an inventory balance delta, wherein the inventory balance delta is calculated as a difference between a source inventory balance and a target inventory balance.

However, Rauber does teach generating an inventory balance delta, wherein the inventory balance delta is calculated as a difference between a source inventory balance and a target inventory balance (C3 L50-55, C7 L21-29, C12 L13-23);

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Katz's and Balgeman's teachings in Coleman's "system for converting data from input data using first format to output data using second format" enabled, for the advantage of minimizing inventory management data conversions and to facilitate data exchanging between customers and suppliers in the automotive industry. Also, for the advantage of providing a communication system which provides flexibility by allowing individual nodes to utilize different databases and which automatically updates corresponding records at different databases with a minimum of burden on the users (Balgeman; C1 L66-67, C2 L1-2).

**14. Claims 5-11 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman (US 5,708,828) in view of Balgeman (US 5,446,880), and further in view of Rauber (US 6,182,053) as applied to claims 1-4, 12-15, and 33-34 above, and further in view of Katz (US 2002/0178077).**

15. Regarding Claims 5-11: Coleman discloses the claimed invention except for an inventory balances elements.

However, Katz does disclose the computer-implemented method of claim 4, wherein the hierarchy of data elements includes a plurality of inventory balance elements comprises:

- A list of inventory balances element;
- An inventory balance related inventory location element;



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- A list of related inventory balances for defining a plurality of related inventory balances;
- A custom data element for defining customized attributes for the inventory;

wherein each of the plurality of balance data elements comprises: a bucket code element; a quantity of product element; a product unit of measure code element; and a balance data custom data element (paras 42, 46, 179, 181, 267).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Katz's teachings in Coleman's "system for converting data from input data using first format to output data using second format" enabled, for the advantage of minimizing inventory management data conversions and to facilitate data exchanging between customers and suppliers in the automotive industry.

16. Regarding Claims 12-22: all limitations as recited have been analyzed and rejected with respect to claims 1-11 and 33-34. Claims 12-22 pertains to a computer-readable storage medium having associated instructions corresponding to the computer-implemented method of claims 1-11 and 33-34. Claims 12-22 do not teach or define any new limitations beyond claims 1-11 and 33-34, therefore they are rejected under the same rationale.

### **Response to Arguments**

17. Applicant's arguments with respect to claims 1-22 and 33-34 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAHD A. OBEID whose telephone number is (571)270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fahd A Obeid/  
Examiner, Art Unit 3627  
March 20, 2011